

ENTERED

October 18, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JAIME J. TREVINO,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 1:21-CV-044

ORDER

In March 2021, Petitioner Jaime J. Trevino filed a Petition for a Writ of Habeas Corpus, challenging his state court conviction on the grounds that his trial counsel was ineffective by coercing him into a plea agreement, which was, as a result, involuntary. (Petition, Doc. 1, 6) The State moved for summary judgment, arguing that Trevino's Petition is time-barred. (Motion for Summary Judgment, Doc. 20, 1)

A United States Magistrate Judge recommends that the Petition be dismissed as untimely filed or, alternatively, denied as meritless. (R&R, Doc. 22) No objections were filed to the Report and Recommendation. The Court finds no plain error in the Report and Recommendation.


As a result, the Court **ADOPTS** Report and Recommendation (Doc. 22). It is:

ORDERED that Respondent's Motion for Summary Judgment (Doc. 20) is **GRANTED**; and

ORDERED that Petitioner Jaime J. Trevino's Petition for a Writ of Habeas Corpus (Doc. 1) is **DISMISSED** as untimely filed, or alternatively, **DENIED** as meritless.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Trevino fails to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

Signed on October 18, 2021.


Fernando Rodriguez, Jr.
United States District Judge